Supreme Court, U.S.
FILED
FEB 10 1989
JOSEPH F. SPANIOL, JR.
CLERK

No. 88-977

In The

Supreme Court of the United States

October Term, 1988

COLORADO-UTE ELECTRIC ASSOCIATION, INC., ET AL.,

Appellants,

vs.

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO, ET AL.,

Appellees.

MOTION TO DISMISS OR AFFIRM

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February 10, 1989

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QUESTIONS PRESENTED

The questions presented by this motion to dismiss or affirm are:

1. Whether review of federal questions can be had under 28 U.S.C. § 1257(2) or (3) when such questions were raised for the first time below in a petition for rehearing after the highest court of a state had entered its decision in the cause, and where that court, which strictly and regularly follows a policy of not entertaining such questions on a petition for rehearing, refused to decide the questions.

2. Whether the appeal raises substantial federal questions that would warrant either a reexamination of matters already decided in *Arkansas Electric Cooperative Corp. v. Arkansas Public Service Commission*, 461 U.S. 375 (1983), or an enquiry into whether procedural due process of law was violated in the administrative hearing below when a proprietary computer program was not provided for use in connection with cross-examination after the party making the request conceded that it had sufficient information from other sources to proceed with the hearing.

TABLE OF CONTENTS

Page

QUESTIONS PRESENTED i

STATEMENT OF THE CASE..... 1

ARGUMENT 5

I. THE FEDERAL QUESTIONS SOUGHT TO BE REVIEWED WERE NOT TIMELY OR PROPERLY RAISED NOR EXPRESSLY PASSED ON IN THE COLORADO SUPREME COURT AND THE JUDGMENT BELOW RESTS ON AN ADEQUATE NON-FEDERAL BASIS..... 5

II. THE QUESTIONS ON WHICH THE DECISION OF THE CAUSE DEPENDS ARE SO UNSUBSTANTIAL AS NOT TO NEED FURTHER ARGUMENT 9

CONCLUSION 14

APPENDIX

List of Shell Western E&P Inc. Corporate Parents, Subsidiaries, and Affiliates A-1

Letter from U.S. Rural Electrification Administration to Colorado-Ute Electric Association, Inc., Dated August 12, 1988 ..... A-2

Letter from U.S. Rural Electrification Administration to Colorado-Ute Electric Association, Inc., Dated November 14, 1988 ..... A-4

TABLE OF AUTHORITIES

Page

CASES

Arkansas Electric Cooperative Corporation v. Arkansas Public Service Commission, 461 U.S. 375 (1983) ..... *passim*

Bankers Life and Casualty Company v. Crenshaw, 108 S.Ct. 1645 (1988) 5

Best v. La Plata Planning Commission, 701 P.2d 91 (Colo. App. 1984) 7

Blocker Exploration Company v. Frontier Exploration, Inc., 740 P.2d 983 (Colo. 1987) 7, 8

Central Locomotive & Car Works v. Smith, 27 Colo. App. 449, 150 P. 241 (1915) 8

Exxon Corporation v. Eagerton, 462 U.S. 176 (1983) 6

Ft. Lyon Canal Co. v. Arkansas Valley Sugar Beet & Irrigated Land Co., 39 Colo. 332, 90 P. 1023 (1907) 8

Fuller v. Oregon, 417 U.S. 40 (1974) 6

Haney v. Public Utilities Commission, 194 Colo. 481, 574 P.2d 863 (1978) 6, 7

Hathorn v. Lovorn, 457 U.S. 255 (1982) 9

Illinois v. Gates, 462 U.S. 213 (1983) 5, 6

Isham v. Miller, 80 Colo. 380, 252 P. 353 (1927) 8

Lucas v. District Court, 140 Colo. 510, 345 P.2d 1064 (1959) 8

Michigan v. Tyler, 436 U.S. 499 (1978) 9

TABLE OF AUTHORITIES–Continued

Page

Model Land & Irrigation Co. v. Baca Irrigating Ditch Co., 83 Colo. 131, 262 P. 517 (1927) 8

New York ex rel. Bryant v. Zimmerman, 278 U.S. 63 (1928) 5, 9

New York Times Co. v. Sullivan, 376 U.S. 254 (1964) 9

Rocky Mountain Sales & Service, Inc. v. Havana RV, Inc. 635 P.2d 935 (Colo. App. 1981) 7

Street v. New York, 394 U.S. 576 (1969) 5

Taussig v. Moffat Tunnel Water & Development Co., 106 Colo. 384, 106 P.2d 363 (1940) 8

United States v. American Railway Express Co., 265 U.S. 425 (1924) 7

STATUTES

28 U.S.C. § 1257 ..... i, 5

Colo. Rev. Stat., § 40-6-115 (1984) 3

The appellee Shell Western E&P Inc. (SWEPI)[1] moves this Court for an order dismissing the appeal from the judgment of the Colorado Supreme Court on the grounds that the federal questions sought to be reviewed were not timely or properly raised and were not expressly passed on and that the judgment below rests on an adequate non-federal basis or, in the alternative, for an order affirming the judgment on the ground that it is manifest that the questions on which the decision of the cause depends are so unsubstantial as not to need further argument.

STATEMENT OF THE CASE

Appellant Colorado-Ute Electric Association (Colorado-Ute) is a rural power cooperative that generates and sells electric power and energy at wholesale to fourteen member distribution cooperatives within the State of Colorado. All of Colorado-Ute's generating facilities are located within the State of Colorado. All of the electricity that Colorado-Ute supplies to its fourteen members is sold at transmission or load center delivery points located within the State of Colorado. Colorado-Ute does make off-system sales of surplus power to customers in other states, but the bulk of the power it generates is supplied to its fourteen Colorado members under long-term "all requirements" contracts. The wholesale rates under which Colorado-Ute markets power and energy to

[1] SWEPI is a Delaware corporation. Pursuant to Sup. Ct. R. 28.1, a list of its corporate parents, subsidiaries, and affiliates is set forth on sheet A-1 of the appendix to this brief.

its members in Colorado have been regulated by the Colorado Public Utilities Commission (PUC) since 1961.

In December 1981, Colorado-Ute filed rate schedules with the PUC designed to increase its revenues approximately 12 per cent. Following extensive hearings, the PUC issued its decision in July 1983, approving the rate increase but ordering Colorado-Ute to adopt a demand-energy rate structure to recover the authorized revenue requirement. The rate structure then being used by Colorado-Ute was a simple flat rate by means of which energy is sold at a uniform charge per kilowatt hour regardless of the magnitude or other characteristics of the electric loads being served. The PUC found that this pricing scheme was unjust, unreasonable, discriminatory, preferential, and unlawful – principally because it was not cost tracking. PUC Decis. No. C83-1176, dated July 26, 1983, *aff'd on reh'g*, PUC Decis. No. C83-1392, dated September 7, 1983. (Appellants' App. A-93, A-139)

One of Colorado-Ute's members, an intervenor and one of the Appellants herein, moved to dismiss the proceeding on the ground that the PUC's assertion of jurisdiction over Colorado-Ute's wholesale rates to its Colorado members was not constitutionally permissible in light of the Commerce Clause of Article I, Section 8 of the United States Constitution. The PUC denied this motion on the basis of this Court's decision in the *Arkansas Electric* case (*Arkansas Electric Cooperative Corporation v. Arkansas Public Service Commission*, 461 U.S. 375 (1983)), having found that the factual situation in the two cases was virtually identical. (Appellants' App. A-99-101)

During the PUC hearing, the PUC's Staff presented testimony that was based in part on results of studies generated by a proprietary computer program known as "WASP-82". Colorado-Ute demanded that it have the computer program to analyze for possible use in cross-examination. Instead, because of the proprietary nature of WASP-82, the PUC directed its Staff to make a full disclosure of pertinent information to enable Colorado-Ute to understand how the program worked. This was done. Later, on the record, Colorado-Ute's employee to whom the data was provided confirmed that this arrangement would in fact supply the information that Colorado-Ute needed in order to proceed with the hearing. (Appellants' App. A-144-45)

Colorado-Ute and its members sought review of the PUC's decisions in the state district court pursuant to § 40-6-115, 17 C.R.S. (1984 Repl. Vol.). (PUC App. 11-13) The PUC's decision was challenged on a variety of grounds – the principal contention being that the PUC had no authority to interfere with Colorado-Ute's choice of a rate design. They also asserted that the PUC's refusal to surrender the WASP-82 computer program resulted in a denial of procedural due process of law. They did not, however, press in the district court the burden on interstate commerce and preemption claims that the PUC had rejected.

The district court held that the PUC had exceeded its jurisdiction by prescribing a change in Colorado-Ute's rate structure, and judgment was accordingly entered reversing the PUC's decisions. Judgment was also entered, however, providing that if the PUC's authority to change Colorado-Ute's rate structure was upheld on further appeal, the PUC would be required to adopt a

modified schedule of demand-energy rates to correct what the court found had been a misallocation of costs from the demand to the energy component of the rates. (Appellants' App. A-70-92) Colorado-Ute's WASP-82 due process claim was expressly rejected by the district court. (Appellants' App. A-85)

The PUC and SWEPI, along with two other intervenors, Atlantic Richfield Company and Exxon Company USA, appealed to the Colorado Supreme Court that part of the District Court's judgment which had set aside the PUC's decisions. The PUC also appealed that part of the judgment which would require it to modify the demand-energy rates to correct the misallocation of costs. Neither Colorado-Ute nor any of its members filed a notice of appeal or a cross-appeal from the ruling of the district court rejecting their WASP-82 denial of due process claim. Neither this issue nor any of the Commerce Clause or federal preemption questions they had unsuccessfully raised before the PUC was mentioned in their briefs on the merits in the Colorado Supreme Court.

On July 11, 1988, the Colorado Supreme Court issued its opinion reversing that part of the district court's judgment which had set aside the PUC's decisions but affirming that part of the judgment which required the PUC to correct the cost misallocation. (Appellants' App. A-1-A-56) Colorado-Ute and thirteen of its members petitioned for rehearing. (Appellants' App. A-162, A-175) In these petitions they attempted to raise for the first time, in the Colorado Supreme Court, the federal questions now sought to be reviewed in this Court, namely their burden on interstate commerce, preemption, and denial of procedural due process of law claims. The Colorado

Supreme Court did not expressly decide these questions. On August 15, 1988, it denied the petitions for rehearing, without discussion. (Appellants' App. A-153)

ARGUMENT

I.

THE FEDERAL QUESTIONS SOUGHT TO BE REVIEWED WERE NOT TIMELY OR PROPERLY RAISED NOR EXPRESSLY PASSED ON IN THE COLORADO SUPREME COURT AND THE JUDGMENT BELOW RESTS ON AN ADEQUATE NON-FEDERAL BASIS.

In cases such as this involving an appeal from a judgment of the highest court of a State under 28 U.S.C. § 1257(2), as well as on an application under subsection (3) of that statute for a writ of certiorari to review such a judgment, it appears to be the settled rule that there will be no review of federal questions "not pressed or passed upon below," and that this is so regardless of whether the rule is constructed to apply on a strict "jurisdictional" or only a "prudential" basis. *Illinois v. Gates*, 462 U.S. 213, 222 (1983); *Bankers Life and Casualty Company v. Crenshaw*, 108 S.Ct. 1645, 1649-51 (1988). The jurisdictional requirement of 28 U.S.C. § 1257 that the validity of a state statute was "drawn in question" on the ground of its repugnancy to the Constitution, treaties or laws of the United States, makes it essential that " 'the claim of invalidity and the ground therefor be brought to the attention of the state court with fair precision and in due time.' " *Street v. New York*, 394 U.S. 576, 584 (1969) (quoting *New York ex rel. Bryant v. Zimmerman*, 278 U.S. 63, 67 (1928)).

The Appellants have acknowledged that none of the federal questions now sought to be reviewed was raised until after the Colorado Supreme Court issued its opinion and entered judgment adverse to them, and that these questions were then presented for the first time in their petitions for rehearing. There is no provision in the Colorado Appellate Rules for raising new matters on a petition for rehearing. The Colorado Supreme Court disposed of the petitions for rehearing with a one-sentence statement that they were denied, without any discussion of the issues. (Appellants' App. A-153) This belated attempt of the Appellants to raise federal questions in the Colorado Supreme Court came too late to satisfy the "pressed or passed upon below" rule cited in *Illinois v. Gates, supra*. The Colorado Supreme Court did not expressly decide these questions. The state court's refusal to grant a rehearing to decide them is supported by independent and adequate state law grounds which should bar review in this Court. Where as here the decision of the state court does not discuss such questions, "it will be assumed that the omission was due to want of proper presentation in the state courts, unless the aggrieved party in this Court can affirmatively show the contrary." *Exxon Corporation v. Eagerton*, 462 U.S. 176, 181 n. 3 (1983) (quoting *Fuller v. Oregon*, 417 U.S. 40, 50 n. 11 (1974)).

The Colorado appellate courts have consistently refused to consider questions not properly raised by either a notice of appeal or a cross-appeal. *See, e.g., Haney v. Public Utilities Commission*, 194 Colo. 481, 574 P.2d 863 (1978):

> Finally, the appellees contend that they were denied due process because certain statutory procedures

> were not followed. However, since the appellees did not file a notice of cross-appeal to raise this challenge to the trial court's decision, the issue is not properly before us on appeal. C.A.R. 4(a); . . . .

Haney, supra, 574 P.2d at 865; *accord, Rocky Mountain Sales & Service, Inc. v. Havana RV, Inc.*, 635 P.2d 935, 937 (Colo. App. 1981); *cf. Best v. La Plata Planning Commission*, 701 P.2d 91 (Colo. App. 1984) (but the question of jurisdiction may be raised at any stage of an action). The exception to this rule is that an appellee, " 'may, without taking a cross-appeal, urge in support of a decree any matter appearing in the record, although his argument may involve an attack upon the reasoning of the lower court or an insistence upon matter overlooked or ignored by it.' " *Blocker Exploration Company v. Frontier Exploration, Inc.*, 740 P.2d 983, 989 (Colo. 1987) (quoting *United States v. American Railway Express Co.*, 265 U.S. 425, 435 (1924)).

But Colorado-Ute and the fourteen members followed none of the available courses to press before the Colorado Supreme Court the federal questions they now seek to raise before this Court. They admittedly filed no appeal or cross-appeal from the adverse ruling of the trial court on their WASP-82 denial of procedural due process claim. Neither did they make any attempt in the Colorado Supreme Court to uphold the favorable part of the trial court's judgment, which had set aside the PUC's decision on other grounds, by advancing any of their federal constitutional theories as additional grounds for affirming the judgment they were defending. The suggestion contained in Appellants' Jurisdictional Statement that they had "no basis to assert these claims" on appeal before the Colorado Supreme Court is clearly not correct.

The applicable rules gave them three opportunities to do so.[2] If they believed the claims had merit, they had both reason and opportunity to assert them in timely fashion. Unveiling these claims for the first time in a petition for rehearing after the appeal was decided was not sufficient.

The long-standing rule in Colorado is that an appellate court will not consider a question raised for the first time on a petition for rehearing, even a question of constitutional significance. *E.g., Ft. Lyon Canal Co. v. Arkansas Valley Sugar Beet & Irrigated Land Co.*, 39 Colo. 332, 90 P. 1023, 1027 (1907); *Isham v. Miller*, 80 Colo. 380, 252 P. 353, 354 (1927); *Taussig v. Moffat Tunnel Water & Development Co.*, 106 Colo. 384, 106 P.2d 363, 368 (1940). There are three recognized exceptions: (1) where the appellate court decides the case in the first instance on a basis not raised by the record or argued by counsel, *see Model Land & Irrigation Co. v. Baca Irrigating Ditch Co.*, 83 Colo. 131, 262 P. 517, 519 (1927); (2) if this was the "earliest possible time" that a constitutional question could be raised, *see Lucas v. District Court*, 140 Colo. 510, 345 P.2d 1064, 1074 (1959); and (3) if a "jurisdictional" question is raised, *see Central Locomotive & Car Works v. Smith*, 27 Colo. App. 449, 150 P. 241 (1915). It is clear that none of these exceptions applies in the present case. Nor is

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[2] First, by filing a notice of appeal on the due process issue within 45 days of the entry of judgment in the trial court or, next, by filing a cross-appeal on that issue within 14 days after the first appeal was filed by others (C.A.R. 4(a), PUC App. 15-16), or, later, by arguing any or all of their federal constitutional claims in their brief on the merits before the Colorado Supreme Court, *Blocker Exploration Co. v. Frontier Exploration, Inc., supra.*

there anything else that can excuse the Appellants' failure to bring their purported constitutional questions to the attention of the Colorado Supreme Court in due time and in the manner required to obtain a meaningful decision which could then furnish the basis for any further appeal to this Court. The applicable rule of decision in Colorado, which precluded consideration of these questions at the untimely juncture when they were first presented, and which has been "strictly [and] regularly followed" by the Colorado courts, *Hathorn v. Lovorn*, 457 U.S. 255, 263 (1982), constitutes an independent and adequate state ground barring review of the federal questions in this Court. *See Michigan v. Tyler*, 436 U.S. 499, 512 n. 7 (1978), and *New York Times Co. v. Sullivan*, 376 U.S. 254, 264 n. 4 (1964). The appeal should, therefore, be dismissed.

II.

THE QUESTIONS ON WHICH THE DECISION OF THE CAUSE DEPENDS ARE SO UNSUBSTANTIAL AS NOT TO NEED FURTHER ARGUMENT.

Appellants contend that this case presents important questions concerning the extent to which state regulatory commissions may, consistent with the Commerce Clause and the latent preemptive power of the United States Rural Electrification Administration (REA), regulate the wholesale power rates charged by a rural electric cooperative association such as Colorado-Ute. The Appellants necessarily concede at the outset that this Court's decision scarcely more than five years ago in *Arkansas Electric Cooperative Corporation v. Arkansas Public Service Commission*, 461 U.S. 375 (1983), sets forth the present "state of

the law." Their arguments are therefore shaped to make it appear that since the *Arkansas Electric* decision the REA has adopted a "more proactive" policy of its own toward controlling the rates of electric cooperatives, thereby presumably signaling the exercise of the potential preemptive authority which had been recognized in *Arkansas Electric*. *Id.* at 388-89. They go on to argue that "the level of state regulation" of Colorado-Ute in the present case has in fact resulted in the disruptive effect that *Arkansas Electric* envisioned might so seriously compromise important federal interests, including the ability of the cooperative to repay its loans, as to be implicitly preempted under federal law. Appellants' Brief 12-14. The Appellants thus hypothesize a "federal-state conflict," which they then go on to say this Court should take the opportunity to "untangle." *Id.* at 13-14.

This carefully landscaped argument rests on a slippery slope. The federal-state conflict that the Appellants have portrayed, and which they then infer they are caught in the middle of, simply does not exist. Nothing has in fact changed since *Arkansas Electric* which would warrant revisiting any of the questions settled there. In support of their "more proactive" characterization of REA's position, the Appellants quote from two recent letters from REA to other cooperatives, on the basis of which they contend that REA has asserted conflicting regulatory authority vis-a-vis state regulatory commissions. The apparently intended implication of this is that the action of the PUC in the present case creates the same sort of federal-state conflict depicted in these two letters.

Regardless of whether so intended or not, the impression that has been created is a totally false one.

Included in the appendix to the present brief are two letters from the REA to Colorado-Ute which directly refute the existence of any federal-state conflict in the present case. Both letters were written by the REA in response to letters from Colorado-Ute entreating REA to intercede on Colorado-Ute's behalf, before the PUC and the courts (including this Court), to abrogate the demand-energy rate structure that had been prescribed by the PUC and affirmed by the Colorado Supreme Court and allow Colorado-Ute to continue using the unlawful flat energy rate. The first of these letters, dated August 12, 1988, after referring to the jurisdiction of state commissions over wholesale rates under *Arkansas Electric*, and reaffirming REA's policy that it will "not interfere with state regulatory authority decisions unless REA's loan security is endangered," continues:

> Our main responsibility is that any rate structure approved by a state commission is equitable to members of a power supply borrower and sufficient to enable the borrower to repay all indebtedness and provide a reasonable margin. While REA found that Colorado-Ute's energy rate met this criteria, Colorado-Ute and its members should recognize that demand-energy rates, which are used almost universally by REA power supply borrowers and investor-owned utilities, also satisfy this criteria. Unless REA receives evidence which clearly indicates that the Government's loan security, either to Colorado-Ute or its member systems, is endangered, REA does not

intend to take a position which is contrary to the Commission.[3]

Subsequently, on November 14, 1988, REA rejected Colorado-Ute's request that REA reconsider its position and intercede to prevent the implementation of the demand-energy rate structure that Colorado-Ute had been ordered to implement. This second letter stated in unambiguous terms: "REA believes that there is no basis to intervene in the matter of the Commission's order requiring Colorado-Ute to adopt a seasonally-differentiated demand energy rate." (Appendix A-3)

These letters from the REA to Colorado-Ute, which were presumably in Colorado-Ute's hands when this appeal was docketed, shatter the illusion of any federal-state conflict in the present case. Contrary to the Appellants' portrayal of the case, these letters make it clear that there is no real basis for attempting to advance this case as an appropriate vehicle for reconsidering, refining, or elaborating upon *Arkansas Electric*. Appellants' arguments that the rate order of the PUC in the present case unconstitutionally burdens interstate commerce, and that the authority of the PUC to make that order has been expressly or implicitly preempted, are therefore so unsubstantial as to warrant no further argument.

The second branch of the appeal, which is based on the refusal of the PUC to deliver a proprietary computer program to Colorado-Ute during the administrative hearings, and which the Appellants contend operated to deny

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[3] Appendix hereto, A-2.

them procedural due process of law, rests on an equally unsubstantial footing. Once again the theoretical arguments advanced simply do not fit what actually happened in the case. The PUC's findings on this issue are especially instructive.

> In fact, as Colorado-Ute knows, the record clearly establishes that the Commission went out of its way to accommodate Colorado-Ute's concerns in this regard by encouraging a full exchange of information between the Staff and Colorado-Ute relative to the WASP-82 program, subject to the proprietary nature thereof . . . . The bottom line is that Colorado-Ute employee Raymond Keith, on the record, was explicitly asked by the Chairwoman of the Commission "Is that (referring to the information to be supplied by the Staff of the Commission to Colorado-Ute) going to give you sufficient time to analyze and to do what needs to be done?" Mr. Keith replied: "I believe it will. The only thing I can think of would be some clarification on the part of the print-outs that can be handled by either direct conversation or by telephone, but I don't think I'll need any additional paper prepared."
>
> Colorado-Ute cannot have it both ways. It agreed, on the record, that the information that would be given to it by the Staff would enable it to have sufficient time to analyze and to do what needed to be done. It cannot now claim that it was disadvantaged notwithstanding its counsel's pro forma objection on the record. (See October 26, 1982 transcript, p. 61).

PUC Decision No. C83-1392, dated September 7, 1983. (Appellants' App. A-144-45) On review of this ruling the district court concluded that the record clearly substantiates the ruling of the PUC. Order of the District Court, May 7, 1986. (Appellants' App. A-85)

This adverse ruling by the district court was not appealed or otherwise challenged before the Colorado Supreme Court. Even if this plain jurisdictional impediment did not exist, the due process issue is too chimerical to consider.

CONCLUSION

WHEREFORE, for the reasons stated, appellee Shell Western E&P Inc. respectfully requests the Court to dismiss the appeal, or, in the alternative, to affirm without further argument the judgment of the Colorado Supreme Court.

Respectfully submitted,

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APPENDIX

List of Shell Western E&P Inc. Corporate Parents, Subsidiaries, and Affiliates

Parent Companies:

Royal Dutch Petroleum
Shell Transport and Trading Company, plc
Shell Petroleum Inc.
Shell Oil Company
Shell Energy Resources Inc.

Subsidiary Companies:

Belridge Farms
Belridge Packing Co.
Choctaw Pipe Line Company
Mabee Petroleum Corp.
SWEPI Royalties Inc.
Shell Cortez Pipeline Company
Shell Michigan Pipeline Company
Shell Western Pipelines Inc.

Affiliated Companies:

Cortez Capital Corporation
East Texas Salt Water Disposal Company
Grande Ecallie Land Company, Inc.
Sideline Oil Company
Thums Long Beach Company
Van Salt Water Disposal Company
Wyoming Industrial Development Corporation

United States Department of Agriculture | Rural Electrification Administration | Washington D.C. 20250

August 12, 1988

Mr. Girts Krumins, President
Colorado-Ute Electric
Association, Inc.
P.O. Box 1149
Montrose, Colorado 81402

RE: Colorado 46 Ute
Change in Rate Structure

This is in response to your letter dated July 25, 1988, to Mr. Jack Van Mark, advising REA of recent action by the Supreme Court of Colorado which basically affirms a 1983 Colorado Public Utilities Commission (Commission) order, requiring Colorado-Ute to adopt a seasonally-differentiated demand energy rate for its member systems and requesting REA to intercede with the Commission towards the end of permitting Colorado-Ute to retain its current uniform wholesale energy rate. We understand that Colorado-Ute and its members believe that any change in the present form of wholesale rate will adversely impact their operations.

The United States Supreme Court, in its decision of Arkansas Electric Cooperative Corp. v. Arkansas Public Utility Commission, 461 U.S. 375, May 16, 1983 took the position that a state may regulate the wholesale rate of an REA borrower where the member systems are all in that state. Historically, REA has taken the position that it does not interfere with state regulatory authority decisions unless REA's loan security is endangered.

Our main responsibility is that any rate structure approved by a state commission is equitable to members of a power supply borrower and sufficient to enable the borrower to repay all indebtedness and provide a reasonable margin. While REA found that Colorado-Ute's energy rate met this criteria, Colorado-Ute and its members should recognize that demand-energy rates, which are used almost universally by REA power supply borrowers and investor-owned utilities, also satisfy this criteria. Unless REA receives evidence which clearly indicates that the Government's loan security, either to Colorado-Ute or its member systems, is endangered, REA does not intend to take a position which is contrary to the Commission.

Since a number of your member systems have expressed interest in this matter, a copy of this letter is being sent to each of them for their information.

Sincerely,

/s/
MARTIN G. SEIPEL
Director
Southwest Area - Electric

United States Department of Agriculture | Rural Electrification Administration | Washington D.C. 20250

November 14, 1988

Mr. Roderick D. Myers
Chairman of the Board
Colorado-Ute Electric
Association, Inc.
P.O. Box 1149
Montrose, Colorado 81402

Dear Mr. Myers:

This is in response to Colorado-Ute's letter dated October 14, 1988, requesting that REA reconsider its earlier position and to intercede, in Colorado-Ute's behalf, before the Colorado Public Utilities Commission (Commission), the Federal District Court and the United States Supreme Court in order to allow Colorado-Ute to retain its current uniform wholesale energy rate and to prevent certain wholesale power refunds from being ordered by the Commission. As we have previously indicated, REA believes that there is no basis to intervene in the matter of the Commission's order requiring Colorado-Ute to adopt a seasonally-differentiated demand energy rate.

REA believes that it is premature to consider any action with respect to Colorado-Ute's potential liability resulting from refunds or damages since, at this time, there are no proceedings considering that specific issue. However, we are very interested in Colorado-Ute's financial viability and, at such time as refund proceedings may be initiated, REA would consider making our views known to the Commission.

With respect to the Commission's decision dated August 24, 1988, which is pending further judicial review, we believe that Colorado-Ute should, depending on the decision of the District Court, take immediate action to file with the Commission for increased revenues. We are aware that the rate level ordered by the Commission dates back to 1983, with two subsequent rate level changes placed into effect since that time. REA has been concerned for quite some time over the fact that Colorado-Ute has been experiencing significant operating losses since 1985. Because of these concerns, REA directed Colorado-Ute, in letters dated November 24, 1986, and December 18, 1986, not to place into effect the 5 percent rate reduction and to design rates to achieve operating results at a level sufficient to meet mortgage requirements. Considering Colorado-Ute's financial position, we believe that Colorado-Ute should file for an immediate rate increase, based on current test year data, sufficient to meet a TIER in excess of 1.0.

Please advise us as to what actions Colorado-Ute intends to take with respect to existing rate levels in light of continuing operating losses and keep us informed as to when hearings for refunds or damages are scheduled to commence.

Sincerely,

/s/
MARTIN G. SEIPEL
Director
Southwest Area - Electric